

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA**

Fill in this information to identify your case:			
Debtor 1	Dexter Tims		
	First Name	Middle Name	Last Name
Debtor 2 (Spouse, if filing)	Teresa Yvonne Tims		
	First Name	Middle Name	Last Name
Case Number (If known)	19-50347-MJK		

☐ Check if this is an amended plan.

CHAPTER 13 PLAN AND MOTION

[Pursuant to Fed. R. Bankr. P. 3015.1, the Southern District of Georgia General Order 2017-3 adopts this form in lieu of the Official Form 113].

1. Notices. Debtor(s) must check one box on each line to state whether or not the plan includes each of the following items. If an item is checked as not being contained in the plan or if neither or both boxes are checked, the provision will be ineffective if set out in the plan.

- (a) This plan: ☒ contains nonstandard provisions. See paragraph 15 below.
 ☐ does not contain nonstandard provisions.
- (b) This plan: ☐ values the claim(s) that secures collateral. See paragraph 4(f) below.
 ☒ does not value claim(s) that secures collateral.
- (c) This plan: ☒ seeks to avoid a lien or security interest. See paragraph 8 below.
 ☐ does not seek to avoid a lien or security interest.

2. Plan Payments.

- (a) The Debtor(s) shall pay to the Chapter 13 Trustee (the "Trustee") the sum of **\$261.00** for the applicable commitment period of:

☐ 60 months; or

(If applicable include the following: These plan payments will change to \$_ monthly on _, 20_.)

☒ a minimum of 36 months. See 11 U.S.C. § 1325(b)(4).

- (b) The payments under paragraph 2(a) shall be paid:

☒ Pursuant to a Notice to Commence Wage Withholding, the Debtor(s) request(s) that the Trustee serve such Notice(s) upon the Debtor's(s') employer(s) as soon as practicable after the filing of this plan. Such Notice(s) shall direct the Debtor's(s') employer(s) to withhold and remit to the Trustee a dollar amount that corresponds to the following percentages of the monthly plan payment:

☒ Debtor 1 _% ☐ Debtor 2 _%

☐ Direct to the Trustee for the following reason(s):

☐ The Debtor(s) receive(s) income solely from self-employment, Social Security, government assistance, or retirement.

☐ The Debtor(s) assert(s) that wage withholding is not feasible for the following reason(s):

(c) Additional Payments of **\$0** (estimated amount) will be made on _____ (anticipated date) from _____

(source, including income tax refunds).

3. Long-Term Debt Payments.

- (a) **Maintenance of Current Installment Payments.** The Debtor(s) will make monthly payments in the manner specified as follows on the following long-term debts pursuant to 11 U.S.C. § 1322(b)(5). These postpetition payments will be disbursed by either the Trustee or directly by the Debtor(s), as specified below. Postpetition payments are to be applied to postpetition amounts owed for principal, interest, authorized postpetition late charges and escrow, if applicable. Conduit payments that are to be made by the Trustee which become due after the filing of the petition but before the month of the first payment designated here will be added to the prepetition arrearage claim.

<u>CREDITOR</u>	<u>COLLATERAL</u>	<u>PRINCIPAL RESIDENCE (Y/N)</u>	<u>PAYMENTS TO BE MADE BY (TRUSTEE OR DEBTOR(S))</u>	<u>MONTH OF FIRST POSTPETITION PAYMENT TO CREDITOR</u>	<u>INITIAL MONTHLY PAYMENT</u>
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- (b) **Cure of Arrearage on Long-Term Debt.** Pursuant to 11 U.S.C. § 1322(b)(5), prepetition arrearage claims will be paid in full through disbursements by the Trustee, with interest (if any) at the rate stated below. Prepetition arrearage payments are to be applied to prepetition amounts owed as evidenced by the allowed claim.

<u>CREDITOR</u>	<u>DESCRIPTION OF COLLATERAL</u>	<u>PRINCIPAL RESIDENCE (Y/N)</u>	<u>ESTIMATED AMOUNT OF ARREARAGE</u>	<u>INTEREST RATE ON ARREARAGE (if applicable)</u>
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4. Treatment of Claims. From the payments received, the Trustee shall make disbursements as follows unless designated otherwise:

- (a) **Trustee's Fees.** The Trustee percentage fee as set by the United States Trustee.
- (b) **Attorney's Fees.** Attorney's fees allowed pursuant to 11 U.S.C. § 507(a)(2) of \$3,800.00.
- (c) **Priority Claims.** Other 11 U.S.C. § 507 claims, unless provided for otherwise in the plan will be paid in full over the life of the plan as funds become available in the order specified by law.
- (d) **Fully Secured Allowed Claims.** All allowed claims that are fully secured shall be paid through the plan as set forth below.

<u>CREDITOR</u>	<u>DESCRIPTION OF COLLATERAL</u>	<u>ESTIMATED CLAIM</u>	<u>INTEREST RATE</u>	<u>MONTHLY PAYMENT</u>
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- (e) **Secured Claims Excluded from 11 U.S.C. § 506 (those claims subject to the hanging paragraph of 11 U.S.C. § 1325(a)).** The claims listed below were either: (1) incurred within 910 days before the petition date and secured by a

purchase money security interest in a motor vehicle acquired for the personal use of the Debtor(s), or (2) incurred within 1 year of the petition date and secured by a purchase money security interest in any other thing of value. These claims will be paid in full under the plan with interest at the rate stated below:

<u>CREDITOR</u>	<u>DESCRIPTION OF COLLATERAL</u>	<u>ESTIMATED CLAIM</u>	<u>INTEREST RATE</u>	<u>MONTHLY PAYMENT</u>
Peritus Portfolio Services	2008 Chevrolet Impala	\$2,700.00	6.25%	\$50.00
Rent-a-Center	Washer and Dryer	\$1,000.00	6.25%	\$20.00
Flex Shopper	Appliances	\$600.00	6.25%	\$15.00

- (f) **Valuation of Secured Claims to Which 11 U.S.C. § 506 is Applicable.** The Debtor(s) move(s) to value the claims partially secured by collateral pursuant to 11 U.S.C. § 506 and provide payment in satisfaction of those claims as set forth below. The unsecured portion of any bifurcated claims set forth below will be paid pursuant to paragraph 4(h) below. The plan shall be served on all affected creditors in compliance with Fed. R. Bankr. P. 3012(b), and the Debtor(s) shall attach a certificate of service.

<u>CREDITOR</u>	<u>DESCRIPTION OF COLLATERAL</u>	<u>VALUATION OF SECURED CLAIM</u>	<u>INTEREST RATE</u>	<u>MONTHLY PAYMENT</u>
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- (g) **Special Treatment of Unsecured Claims.** The following unsecured allowed claims are classified to be paid at 100% ☐ with interest at _____ % per annum **or** ☐ without interest:

- (h) **General Unsecured Claims.** Allowed general unsecured claims, including the unsecured portion of any bifurcated claims provided for in paragraph 4(f) or paragraph 9 of this plan, will be paid a 0 % dividend or a pro rata share of \$0, whichever is greater.

5. Executory Contracts.

- (a) **Maintenance of Current Installment Payments or Rejection of Executory Contract(s) and/or Unexpired Lease(s).**

<u>CREDITOR</u>	<u>DESCRIPTION OF PROPERTY/SERVICES AND CONTRACT</u>	<u>ASSUMED/REJECTED</u>	<u>MONTHLY PAYMENT</u>	<u>DISBURSED BY TRUSTEE OR DEBTOR(S)</u>
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- (b) **Treatment of Arrearages.** Prepetition arrearage claims will be paid in full through disbursements by the Trustee.

<u>CREDITOR</u>	<u>ESTIMATED ARREARAGE</u>
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6. **Adequate Protection Payments.** The Debtor(s) will make pre-confirmation lease and adequate protection payments pursuant to 11 U.S.C. § 1326(a)(1) on allowed claims of the following creditors: ☐ Direct to the Creditor; or ☒ To the Trustee.

<u>CREDITOR</u>	<u>ADEQUATE PROTECTION OR LEASE PAYMENT AMOUNT</u>
Peritus Portfolio Services	\$20.00
Rent-A-Center	\$10.00
Flex Shopper	\$6.00

7. **Domestic Support Obligations.** The Debtor(s) will pay all postpetition domestic support obligations direct to the holder of such claim identified here. See 11 U.S.C. § 101(14A). The Trustee will provide the statutory notice of 11 U.S.C. § 1302(d) to the following claimant(s):

<u>CLAIMANT</u>	<u>ADDRESS</u>
Melanie Mitchell c/o Waycross Child Support Enforcement	215-B Albany Ave, Waycross, GA 31501

8. **Lien Avoidance.** Pursuant to 11 U.S.C. § 522(f), the Debtor(s) move(s) to avoid the lien(s) or security interest(s) of the following creditor(s), upon confirmation but subject to 11 U.S.C. § 349, with respect to the property described below. The plan shall be served on all affected creditor(s) in compliance with Fed. R. Bankr. P. 4003(d), and the Debtor(s) shall attach a certificate of service.

<u>CREDITOR</u>	<u>LIEN IDENTIFICATION (if known)</u>	<u>PROPERTY</u>
Access Loans	Household goods	Household goods, personal property
Loan South	Household goods	Household goods, personal property
Security Finance	Household goods	Household goods, personal property

9. **Surrender of Collateral.** The following collateral is surrendered to the creditor to satisfy the secured claim to the extent shown below upon confirmation of the plan. The Debtor(s) request(s) that upon confirmation of this plan the stay under 11 U.S.C. § 362(a) be terminated as to the collateral only and that the stay under 11 U.S.C. § 1301 be terminated in all respects. Any allowed deficiency balance resulting from a creditor's disposition of the collateral will be treated as an unsecured claim in paragraph 4(h) of this plan if the creditor amends its previously-filed, timely claim within 180 days from entry of the order confirming this plan or by such additional time as the creditor may be granted upon motion filed within that 180-day period.

<u>CREDITOR</u>	<u>DESCRIPTION OF COLLATERAL</u>	<u>AMOUNT OF CLAIM SATISFIED</u>
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10. **Retention of Liens.** Holders of allowed secured claims shall retain the liens securing said claims to the full extent provided by 11 U.S.C § 1325(a)(5).
11. **Amounts of Claims and Claim Objections.** The amount, and secured or unsecured status, of claims disclosed in this plan are based upon the best estimate and belief of the Debtor(s). An allowed proof of claim will supersede those estimated claims. In accordance with the Bankruptcy Code and Federal Rules of Bankruptcy Procedure, objections to claims may be filed before or after confirmation.
12. **Payment Increases.** The Debtor(s) will increase payments in the amount necessary to fund allowed claims as this plan proposes, after notice from the Trustee and a hearing if necessary, unless a plan modification is approved.
13. **Federal Rule of Bankruptcy Procedure 3002.1.** The Trustee shall not pay any fees, expenses, or charges disclosed by a creditor pursuant to Fed. R. Bankr. P. 3002.1(c) unless the Debtor's(s') plan is modified after the filing of the notice to provide for payment of such fees, expenses, or charges.
14. **Service of Plan.** Pursuant to Fed. R. Bankr. P. 3015(d) and General Order 2017-3, the Debtor(s) shall serve the Chapter 13 plan on the Trustee and all creditors when the plan is filed with the court, and file a certificate of service accordingly. If the Debtor(s) seek(s) to limit the amount of a secured claim based on valuation of collateral (paragraph 4(f) above), seek(s) to avoid a security interest or lien (paragraph 8 above), or seek(s) to initiate a contested matter, the Debtor(s) must serve the plan on the affected creditors pursuant to Fed. R. Bankr. P. 7004. See Fed. R. Bankr. P. 3012(b), 4003(d), and 9014.
15. **Nonstandard Provisions.** Under Fed. R. Bankr. P. 3015(c), nonstandard provisions must be set forth below. A nonstandard provision is a provision not otherwise in this local plan form or deviating from it. Nonstandard provisions set out elsewhere in this plan are void.

Set default interest rate at 6% on secured claims paid in the Chapter 13. Convert executory contracts with Rent-a-Center and Flex Shopper into purchase agreements and pay in Plan. Defer student loan payments during Chapter 13. Pay child support arrearage direct.

By signing below, I certify the foregoing plan contains no nonstandard provisions other than those set out in paragraph 15.

Dated: 5/31/19

Debra 25
Debtor 1

Debra 2
Debtor 2

/s/ Edward F. Smith
Attorney for the Debtor(s)

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION**

IN RE:

**DEXTER TIMS,
TERESA YVONNE TIMS,
Debtor,**

**M. ELAINA MASSEY,
Trustee.**

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CASE NO. 19-50347-MJK

CHAPTER 13

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the Chapter 13 Plan by First Class Mail placing the same in the United States mail with proper postage affixed to the following addresses:

See attached Matrix

I hereby certify that I have served a copy of the Chapter 13 Plan on the following corporations addressed to an Agent or Officer by First Class Mail with proper postage affixed thereon to the following addresses:

I hereby certify that the following insured depository institutions were served by Certified Mail addressed to the officer of the institution:

I hereby certify that the following parties and counsel were served electronically through the Notice of Electronic Filing (NEF) at the following address:

Elaina Massey,
Chapter 13 Trustee
courtdailysummary@ch13bwk.com,
courtdailybackup@ch13bwk.com

This the 3rd day of June, 2019.

/s/ Edward F. Smith

Edward F. Smith

Georgia Bar No. 656823

Post Office Box 792
Waycross, Georgia 31502
(912) 287-0055

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<p>Label Matrix for local noticing 113J-5 Case 19-50347-MJK Southern District of Georgia Waycross Mon Jun 3 13:51:06 EDT 2019</p> <p>Access Loan Company Attn: Officer, Managing or General Agent 831 Peterson Ave S Douglas GA 31533-5234</p> <p>Bridgecrest Credit Attn: Officer, Managing or General Agent 10384 Atlantic Blvd Jacksonville FL 32225-6685</p> <p>CMS Financial Attn: Officer, Managing or General Agent 3145 East Chandler Blvd, Ste 110-438 Phoenix AZ 85048-8702</p> <p>Coffee Emergency Group LLC Attn: Officer, Managing or General Agent P.O. Box 731584 Dallas TX 75373-1584</p> <p>Comenity Bank/MyPlaceRewards Attn: Officer, Managing or General Agent P.O. Box 182789 Columbus OH 43218-2789</p> <p>Dexter Tims Teresa Yvonne Tims 2050 Clyde Kirkland Rd Douglas GA 31535-6926</p> <p>Fender Goggans Group Attn: Officer, Managing or General Agent 114 N Peterson Ave Douglas GA 31533-3709</p> <p>First Premier Bank Attn: Officer, Managing or General Agent P.O. Box 5529 Sioux Falls SD 57117-5529</p> <p>Ginnys Attn: Officer, Managing or General Agent 1112 7th Ave Monroe WI 53566-1364</p>	<p>AT & T Mobility Attn: Officer, Managing or General Agent P.O. Box 537104 Atlanta GA 30353-7104</p> <p>Afni, Inc. Attn: Officer, Managing or General Agent P.O. box 3097 Bloomington IL 61702-3097</p> <p>Bridgecrest Credit Attn: Officer, Managing or General Agent 7300 E Hampton Ave, Ste 101 Mesa AZ 85209-3324</p> <p>Charter Communications Attn: Officer, Managing or General Agent P.O. Box 9001945 Louisville KY 40290-1945</p> <p>Coffee Regional Medical Center Attn: Officer, Managing or General Agent 1101 Ocilla Rd Douglas GA 31533-2262</p> <p>Credit One Bank Attn: Officer, Managing or General Agent P.O. Box 98875 Las Vegas NV 89193-8875</p> <p>E. Allen Peacock Construction Company c/o Strickland & Garmon P.O. Box 1592 Waycross GA 31502-1592</p> <p>Fingerhut Attn: Officer, Managing or General Agent P.O. Box 166 Newark NJ 07101-0166</p> <p>Flagship Credit Acceptance Attn: Officer, Managing or General Agent P.O. Box 975658 Dallas TX 75397-5658</p> <p>GrandPointe Attn: Officer, Managing or General Agent 1112 7th Ave Monroe WI 53566-1364</p>	<p>Aarons Inc. Attn: Officer, Managing or General Agent 2275 Memorial Dr Waycross GA 31501-0902</p> <p>Ashworth College Attn: Officer, Managing or General Agent 6625 The Corners Parkway NW #500 Norcross GA 30092-3388</p> <p>CMI Attn: Officer, Managing or General Agent 4200 International Rd Carrollton TX 75007-1930</p> <p>Coffee Co. Magistrate Court Attn: Officer, Managing or General Agent 825 Thompson Dr Douglas GA 31535-5947</p> <p>Comenity Bank/Kay Jewelers Attn: Officer, Managing or General Agent 3100 Easton Square Pl Columbus OH 43219-6232</p> <p>David's Auto Sales Attn: Officer, Managing or General Agent 2251 Knight Ave Waycross GA 31503-8003</p> <p>Edward F. Smith Law Office of Edward F. Smith P.O. Box 792 Waycross, GA 31502-0792</p> <p>First National Bank of Marin Attn: Officer, Managing or General Agent 585 Pilot Rd Las Vegas NV 89119-3619</p> <p>Flex Shopper Attn: Officer, Managing or General Agent 2650 N Military Trail Boca Raton FL 33431-6350</p> <p>Granite Recovery LLC Attn: Officer, Managing or General Agent 25 SE 2nd Ave Miami FL 33131-1506</p>
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HSBC Bank
Attn: Officer, Managing or General Agent
P.O. Box 5253
Carol Stream IL 60197-5253

(p)JEFFERSON CAPITAL SYSTEMS LLC
PO BOX 7999
SAINT CLOUD MN 56302-7999

Johnson Auto Sales
Attn: Officer, Managing or General Agent
2050 Broxton Rd
Douglas GA 31533-8102

Loan South Finance
Attn: Officer, Managing or General Agent
606 N Peterson Ave
Douglas GA 31533

M. Elaina Massey
Post Office Box 1717
Brunswick, GA 31521-1717

Melanie Mitchell
c/o Waycross Child Support Enforcement
215B Albany Ave
Waycross GA 31501-3561

Midland Funding LLC
Attn: Officer, Managing or General Agent
8875 Aero Dr, Ste 200
San Diego CA 92123-2255

(p)MUSA AUTO FINANCE
PO BOX 550870
JACKSONVILLE FL 32255-0870

Naviest Solutions Inc.
Attn: Officer, Managing or General Agent
P.O. Box 9640
Wilkes Barre PA 18773-9640

Office of the U. S. Trustee
Johnson Square Business Center
2 East Bryan Street, Ste 725
Savannah, GA 31401-2638

(p)PERITUS PORTFOLIO SERVICES
PO BOX 141419
IRVING TX 75014-1419

Phoenix Financial Services
Attn: Officer, Managing or General Agent
8902 Otis Ave, Ste 103A
Indianapolis IN 46216-1009

Premier Bankcard
Attn: Officer, Managing or General Agent
P.O. Box 2208
Vacaville CA 95696-8208

Quantum3 Group LLC
Attn: Officer, Managing or General Agent
P.O. Box 788
Kirkland WA 98083-0788

Rent-A-Center
Attn: Officer, Managing or General Agent
433 Peterson Ave S
Douglas GA 31533-5203

Rent-A-Center
Attn: Officer, Managing or General Agent
808 Memorial Dr
Waycross GA 31501-2915

SW Credit Systems
Attn: Officer, Managing or General Agent
4120 International Ste 100
Carrollton TX 75007-1958

Security Finance
Attn: Officer, Managing or General Agent
919 Ward St W
Douglas GA 31533-3537

SunTrust Bank
Attn: Officer, Managing or General Agent
1001 Semmes Ave
Richmond VA 23224-2245

Tift Regional Medical Center
Attn: Officer, Managing or General Agent
P.O. Box 807
Tifton GA 31793-0807

Dexter Tims
2050 Clyde Kirkland Rd
Douglas, GA 31535-6926

Teresa Yvonne Tims
2050 Clyde Kirkland Rd
Douglas, GA 31535-6926

U.S. Department of Education
Attn: Officer, Managing or General Agent
P.O. Box 9635
Wilkes Barre PA 18773-9635

(p)USCB CORPORATION
PO BOX 75
ARCHBOLD PA 18403-0075

Waycross Child Support Enforcement
Attn: Officer, Managing or General Agent
215-B Albany Ave
Waycross GA 31501-3561

Windstream Communications
Attn: Officer, Managing or General Agent
1720 Gallleria Blvd
Charlotte NC 28270-2408